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Agency of Human Services

TO: All Staff

FROM: Robert Kupec, Facilities Executive 

DATE: December 13, 2007

SUBJECT: Interim Revision Memorandum, *Inmate Mail*

This Interim Revision Memorandum makes additions to the current Departmental administrative directives, #409.05, *Inmate Correspondence* and #409.06, *Inmate Mail*. The following procedures relating to inmate mail will be effective until a new Inmate Mail directive is signed. The following changes are reflective of new legislation relating to inmate mail passed during the 2007 legislative session (28 V.S.A. 11 § 802(c)(d)).

1. Inmate-to-Inmate Correspondence

- a. An inmate may not correspond through the mail with another inmate committed to the custody and supervision of the Department of Corrections, whether in the same facility or in a different facility, except as follows:
 - i. To communicate with immediate family members (see *Attachment 1*) who are also inmates in the custody and supervision of the Department of Corrections, subject to the prior approval of the Superintendent/designee;
 - ii. To communicate with other inmates where the inmate's classification or treatment team determines that correspondence is in the best interests of both parties;
 - iii. To communicate with another inmate regarding legal matters, as long as the Superintendent/designee knows the second inmate customarily offers legal advice to other inmates;
 - iv. As long as the correspondence has been approved by the Superintendent/designee, at their sole discretion.
- b. In order for inmates to correspond with one another through the mail, they must submit and have approved a *Request for Inmate-to-Inmate Correspondence form (Attachment 1)* to the Superintendent.
- c. The Superintendent may designate a staff member to process inmate-to-inmate correspondence requests. These requests will be investigated by both facilities to determine that the requests are in compliance with the provisions above.
- d. Denials of authorization for inmate-to-inmate correspondence will include a statement of reasons for the denial, and will be communicated to both inmates and the respective facilities. Such denials may be appealed using the procedures outlined in *Administrative Directive #320.01, Offender Grievance System for Field and Facilities*.

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- e. Authorization to correspond may be withdrawn by the Superintendent in particular cases when it is demonstrated and documented that:
 - i. One or both inmates have violated facility or departmental rules;
 - ii. The reason for the original approval no longer applies or has been determined to have been erroneous or deceptive;
 - iii. The safety, security, or good order of a facility is jeopardized.
- f. Inmate-to-inmate correspondence will not be sealed until after a designated staff person reviews the correspondence.
- g. No inmate-to-inmate correspondence will be considered in any way to be privileged correspondence.
- h. If an inmate is transferred to another facility, including contracted facilities out of state, their approval to correspond with another inmate will remain in effect.

2. Negative Contact List

- a. An inmate incarcerated at a Department facility, including contracted facilities out of state, may not correspond through the mail with any individual on the Department's *negative contact list*.
- b. An individual may be added to the *negative contact list* by notifying the Department Director of Security Operations and Audits in writing that they do not wish to receive any correspondence through the mail from a particular inmate. If a facility receives a request for an individual to be added to the *negative contact list*, the request must be forwarded to the Director of Security Operations and Audits.
- c. A parent or authorized legal guardian of a minor may add the minor child to the *negative contact list* of any inmate who is not the parent of the child by notifying the Director of Security Operations and Audits in writing that they do not wish the minor child to receive any correspondence through the mail from that particular inmate. If the inmate is a parent of a minor, the inmate will have the right to correspond with the minor through the mail, unless the inmate is prohibited by court order from contacting the child.
- d. The *negative contact list* will be maintained by the Director of Security Operations and Audits/designee.
- e. The Director of Security Operations and Audits will be notified of any court order prohibiting correspondence to or from a particular inmate.

ATTACHMENT 1 – SAMPLE

REQUEST FOR INMATE-TO-INMATE CORRESPONDENCE

Facility: _____ **Date:** _____

Inmate: _____ **DOB:** _____

Inmate Request

I, _____, request to correspond with inmate _____,
(name) (name)
who is currently incarcerated at the _____ Correctional Facility.

Request is made for the following reason(s):

- ☐ To communicate with an immediate family member, including step:
☐ husband ☐ wife ☐ father ☐ mother ☐ sister ☐ brother
☐ son ☐ daughter ☐ grandson ☐ granddaughter ☐ civil union partner

☐ For legal consultation

☐ My request is based on: _____

Inmate signature: _____ Date: _____

Staff Request

I, _____, request that inmate _____, correspond
(Staff member's printed name) (name)
with inmate _____, who is currently incarcerated at the
(name)
_____ Correctional Facility.

Request is made for the following reason:

- ☐ Classification/treatment team request

Staff member signature: _____ Date: _____

Superintendent Approval/Denial, Sending Facility

- ☐ Request approved
☐ Request denied for the following reason(s): _____

☐ Authorization for correspondence withdrawn for the following reason(s): _____

Superintendent's Signature: _____ Date: _____

REQUEST FOR INMATE-TO-INMATE CORRESPONDENCE

Superintendent Approval/Denial, Receiving Facility

☐

Request approved

☐

Request denied for the following reason(s): _____

☐

Authorization for correspondence withdrawn for the following reason(s): _____

Superintendent's Signature: _____ Date: _____